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FINDING OF NO SIGNIFICANT IMPACT

and

DECISION RECORD

for the

Environmental Assessment

for the

Recreational River Use Management Plan

for

Big Bend National Park, Texas

97-017207

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Environmental Assessment for the Recreational River Use Management Plan for Big Bend National Park, Texas

Introduction

The National Park Service (NPS) has completed an Environmental Assessment (EA) to analyze the environmental impacts associated with the implementation of a Recreational River Use Management Plan.

The purpose of this document is to record the decision to approve the Recreational River Use Management Plan and to provide a "Finding Of No Significant Impact" (FONSI) pursuant to the Council on Environmental Quality regulations for implementing the National Environmental Policy Act (NEPA) (40 CFR 1500).

Compliance

The Backcountry Management Plan for Big Bend National Park, which received NEPA review and was approved in 1995, prescribed the development of a river use management plan. The Recreational River Use Management Plan serves as an amendment to the Backcountry Management Plan. On July 30, 1993, an invitation to participate in the scoping process was issued through 118 copies of a press release. The park received 23 written responses from throughout the state.

An EA was prepared to analyze management alternatives for six recreational river use issues and to give the public the opportunity to comment on the proposed action. During the preparation of the EA, the views of Federal, state, and local agencies, organizations, and interested individuals were sought. The discussion of alternatives and their environmental consequences described the anticipated impacts associated with each alternative. The EA was available for public review for a 90-day period from June 17 through September 16, 1996.

Approximately 150 copies of a press release announcing that the draft Plan was available for comment were mailed on June 17, 1996. More than a hundred copies of the draft Plan were mailed to individuals and organizations on the park's mailing list and to individuals who requested copies of the Plan. The park received 49 written responses about the draft plan. These 49 written responses contained 202 comments, which were consolidated into 119 comments for the purpose of analysis.

The park invited interested parties to attend an open house held on November 15, 1996. The park sponsored the open house to allow staff to clarify points in the draft plan that caused confusion and to personally respond to other questions surfacing from the discussions. All individuals who responded to the draft plan and who received the earlier press releases were sent an invitation to the open house. Nineteen people attended.

Park staff reviewed and analyzed the public comments about the draft plan and EA. After considering the comments, the park slightly altered the proposed actions. None of the changes would significantly impact the environment; therefore, further public review was not required. The Park held a meeting on December 11, 1996, to discuss proposed changes to the draft plan with invited representatives of different interest groups. Individuals representing private users, motor users, commercial users, the Pecos River Compact Commission, State Senator Madla's office, the Texas River Protection Association, and the Brewster County Judge attended the meeting. The group reached consensus on all issues.

The analysis of the comments that were received during the public comment period revealed that changes in use patterns during low water periods were not addressed in the draft plan. The park prepared amendments to the sections of the draft plan and environmental assessment that addressed recreational use limits and released them for a 14-day public comment period. On January 13, 1997, the Park mailed out 261 press releases; 146 press releases had copies of the amendments attached. The Park received one written comment about the proposed amendment.

Only one Federal or state agency provided written comments about the draft Plan. The Texas Historical Commission (Commission) encouraged the selection of management options which result in the best protection of prehistoric and historic cultural sites along the river corridor. The Commission concurred with the proposed alternatives for five of the six issues, but urged the selection of Alternative 4 under motor use.

Summary

The plan describes management actions to govern the specific recreational river use issues of zoning, motor use, fishing, access, human waste, and recreational use limits.

Zoning - The Backcountry Management Plan provides three distinct social experience opportunities and assigns all backcountry areas into Threshold, Primitive, and Wild management zones. The Plan formalizes the historic patterns of use and defines management strategies for each zone to perpetuate distinct social experience opportunities. **Threshold** zone characteristics include higher use levels and greater user density. **Primitive** zone characteristics include less crowding and lower use densities than the threshold zone. **Wild** zone characteristics include the expectation of encountering few or no other parties.

Motor Use - Although both motorized and non-motorized motor use occur within the Park, statistics show that only a small percentage of permittees use motorized watercraft. In the **threshold** zone, electric motor use is allowed in all river segments, including Santa Elena, throughout the entire year. Santa Elena, however, is closed to all other motorized watercraft. The between-canyon threshold zone river segments are open to use of up to 60 horsepower motors year-round. The **primitive** zone, which includes Mariscal Canyon, is closed to all motorized watercraft except for the month of October. Up to 60 horsepower motors may be used in the primitive zone during October. Motorized watercraft may not be used in the **wild** zone at any time. Exclusion of motors from the **wild** zone provides the type of experience proposed by the plan: one characterized by solitude and the experience of wilderness.

Fishing -The use of pole and line, rod and reel, hand line, trot line, and throw line is allowed, but jug fishing is not. State fishing regulations apply, but a State fishing license is not required. A free NPS fishing permit from visitor contact stations is required, one permit per party per trip. Twenty-five fish per person per day or in possession is the catch limit. Fish caught in the park may be used only for personal consumption. Terrestrial and aquatic invertebrates are protected. No collecting of worms, larval insects, or other non-fish life forms is allowed. No live bait may be used, except for minnows obtained from the Rio Grande.

Access - The NPS will provide access upstream and downstream of the three major canyons. At **developed** access points, vehicles have access to the river's edge. The NPS provides ramps to the river at Santa Elena Take-out and Rio Grande Village. At **primitive** access points, access is provided to the riverbank, not the river's edge. Primitive access is provided at Talley, Solis,

and Cottonwood Campground. **Undeveloped** access points exist at all other areas where the river is accessible to carry-in boating. These areas are considered designated launch points.

Human Waste - All human waste must be carried out except for private use on the river between the Santa Elena Take-out and Talley and between Solis and the entrance to Boquillas Canyon and except for kayak-only or single-canoe trips.

Recreational Use Limits - Management policies direct the NPS to prevent unacceptable impacts on the resources or adverse effects on visitor enjoyment. When establishing recreational use limits, the NPS considered the historic variety of experiences, current use, and the physical characteristics of the river segments. These limits are placed at somewhat higher levels than the use during the early- to mid-1990's. These limits perpetuate the variety of historic visitor experiences and prevent problems from occurring in the future. The number of launches per day and the party size per launch is limited. Recreational use limits are provided for periods of normal and high water and for periods of low water.

Negative environmental impacts that occur from implementing the proposed action are minor. In fact, establishing management prescriptions for the three different zones is expected to prevent negative environmental impacts from occurring. There are no unmitigated adverse impacts on public health, public safety, threatened or endangered species, sites or districts listed or eligible for listing in the National Register of Historic Places, known ethnographic resources, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, cumulative effects, or elements of precedence were identified. Implementation of the proposed action will not violate any Federal, state, or local environmental protection law.

Finding Of No Significant Impact

Based upon the analysis of potential environmental impacts contained in the attached Environmental Assessment, I have determined that implementing the Recreational River Use Management Plan, as proposed, does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an Environmental Impact Statement will not be prepared.

Decision

It is my decision to implement the Recreational River Use Management Plan for Big Bend National Park.

Recommended:

Jose A. Cisneros, Superintendent
Big Bend National Park

3/5/97
Date

Approved:

for John E. Cook, Regional Director
Intermountain Region

3/5/97
Date

✓

Appendix A - Comments and Responses

Two hundred and two comments to the draft Recreational River Use Management Plan (Plan) were received from 49 respondents. These 202 comments have been consolidated into 119 comments for the purpose of this analysis.

Fourteen respondents expressed a choice of alternatives: six favored No Action on the entire Plan; four specifically mentioned No Action on the Recreational Use Limits issue; two favored Alternative 4: Eliminate Motors for the Motor Use issue; one letter signed by four individuals urged No Action for the Motor Use issue and attached a petition signed by approximately 250 people; and one organization supported the Proposed Alternative for five of the six issues and Alternative 4 (eliminate motors) of the Motor Use issue.

Comments and Responses

Zoning

001. Comment: Six respondents questioned the definition of solitude and a wilderness experience and the emphasis placed upon solitude in the Plan. Two of the six stated that people's perception of solitude varies.

Response: This Plan serves as an amendment to the Backcountry Management Plan, which provides three distinct social experience opportunities and assigns all backcountry areas into threshold, primitive, or wild management levels. As an amendment to the Backcountry Management Plan, this Plan meets the Backcountry Management Plan's objectives. Management strategies for each zone perpetuate distinct social experience opportunities.

The National Park Service (NPS) recognizes that definitions of solitude and naturalness vary between individuals. A visit to Lajitas is a wilderness experience to some; others consider wilderness as not seeing another party. Management zoning to perpetuate a spectrum of social experiences allows for the accommodation of that range of visitor expectations.

002. Comment: Two respondents felt that the zoning concept has merits.

Response: The Plan serves as an amendment to the Backcountry Management Plan, which provides three distinct social experience opportunities and assigns all backcountry areas into threshold, primitive, or wild zones. Management strategies for each zone perpetuate distinct social experience opportunities. The NPS is

attempting to provide a spectrum of experiences for park visitors in all its planning efforts.

003. Comment: One respondent recognized that different parts of the river have their own individual nature and do not need regulation to retain that individuality.

Response: For the majority of the time, this assessment is accurate. The management zones formalize the type of use that each segment of the river currently receives and ensure that a spectrum of visitor experiences will continue to be available. The management prescriptions for each zone will allow visitors to plan a trip for an expected experience and have their expectation met.

004. Comment: One respondent felt that the terms "river segments" and "zones" were confusing.

Response: The use of segment and zone has been clarified in the Plan. An appendix that contains definitions has also been added. "Zone" refers to backcountry areas with defined management strategies to perpetuate distinct social experience opportunities. "River segments" are specific lengths of river with an identified beginning and ending point. The threshold zone is comprised of six river segments. The primitive and wild zones are each comprised of one river segment.

005. Comment: One respondent questioned the relationship between the concept of diverse recreational experiences and the Texas A&M survey.

Response: The Plan forms an amendment to the Backcountry Management Plan, which prescribes that the entire backcountry of the Park be assigned to one of three prescribed management zones. The Backcountry Management Plan, which received public review and was approved in 1995, provides the primary foundation for this Plan. The Texas A&M study, however, also stated, "[p]roviding for the long-run continuation of a diversity of river recreation opportunities should be the most important directive for future discussions of Rio Grande river management."

Motor Use

006. Comment: A letter that was signed by four individuals and accompanied a petition with approximately 250 signatures acknowledged that motor users comprise an extremely small percentage of river users, but urged the NPS to implement the No Action alternative for the Motor Use Issue.

Response: The NPS carefully evaluated the public comments and considered additional information obtained at the open house and at the meeting for invited interested parties. This combined information resulted in changes to the proposed action for the zoning and motor use issues.

Because the river segment that extends from Reed Camp to Talley is a popular motor use area, the segment has been changed from a river segment in the primitive zone to a river segment in the threshold zone. Motor use will be allowed in the Reed Camp to Talley threshold river segment.

Rather than excluding an entire user group from a river experience through the major canyons, a compromise was reached. Motor use will be allowed during the month of October through Mariscal Canyon, which lies within the primitive zone. Mariscal Canyon was selected for motor use to eliminate potential conflicts with larger numbers of non-motor users in Santa Elena Canyon and to preserve Boquillas Canyon as the wild zone.

007. Comment: Two respondents stated their preference for no motor use on the river. One of these respondents based their comment upon motorized watercraft providing access to cultural sites.

Response: The Plan strives to provide recreational opportunities to all legitimate recreational river user groups rather than excluding certain groups.

008. Comment: One respondent claimed that limits on motor use are easily circumvented.

Response: In theory, someone could launch outside the park and use only Mexican waters. In reality, however, obstacles in the river and the river's current and course force river users to continually cross the international boundary, and thus enter and exit the Park, as they travel on the Rio Grande. Anytime an individual is within the Park, the individual must comply with Park regulations. Very little motor use originates from Mexico; Mexican infrastructure at this time does not facilitate river use logistics. As the newly created protected areas in northern Mexico become operational, the Park hopes to explore opportunities for joint river management.

009. Comment: One respondent confused the term "inter-canyon" for "inner-canyon."

Response: The term "inter-canyon" was changed to "between canyon" in the Plan to eliminate confusion about the terminology.

010. Comment: One respondent misinterpreted the information in the Plan and expressed his opposition to motor use through the canyons.

Response: Both the draft Plan and Plan allow the use of electric motors through Santa Elena Canyon, not gas-powered motors. The threshold river segment that includes Santa Elena Canyon is closed to all motors, with the exception of electric motors, year-round. The remaining threshold river segments are open to motor use year-round. The primitive zone is closed to all motors for 11 months of the year from November through September. The wild zone, which includes Boquillas, is closed to all motors year-round.

011. Comment: One respondent stated that permitting motorized boats in Santa Elena Canyon seems to contradict the protection of the Endangered Species Act.

Response: The Plan does not propose the use of gas-powered motorized watercraft through Santa Elena Canyon; the only motor use in Santa Elena Canyon will be electric motors. Peregrine falcons will be free from the disturbance of noise-producing engines in the threshold river segment that includes Santa Elena Canyon and in the wild zone year-round and in the primitive zone for 11 months of the year. The most critical time of the year for peregrine falcon reproduction is between February 1 and July 15.

Fishing

012. Comment: The letter signed by the four individuals with the attached petition questioned what would happen to the health of the fish population without some form of control, such as sport fishing. They suggested that possibly the population would become unhealthy or even die from starvation due to over-population.

Response: Natural predator-prey relationships and food limits can be expected to prevent over-population of fish species.

013: Comment: One respondent contended that anyone wishing to evade the fishing restrictions could simply boat and fish within Mexican waters.

Response: In theory, someone could launch outside the park and use only Mexican waters. In reality, however, the obstacles in the river and the river's current and course force river users to continually cross the international boundary, and thus enter and exit the Park, as they travel on the Rio Grande. If an individual is within the

Park boundaries, the individual must comply with park regulations. Very little use originates from Mexico; Mexican infrastructure at this time does not facilitate river use logistics. As the newly created protected areas in northern Mexico become operational, the Park hopes to explore opportunities for joint river management.

Access

014. Comment: One respondent stated that increased or improved access could lead to increased impacts to cultural resources.

Response: Cultural resource-related consequences have been added to the environmental assessment section that addresses access. The proposed undeveloped access at Casa de Piedra has been eliminated from the Plan.

015. Comment: One respondent commented that without maintenance of the River Road, it is of little use to the public to have improved bankside access at places like Mariscal.

Response: Access points above and below Mariscal Canyon are defined as primitive access points; access will be provided to the river bank, not the river's edge. The Plan does not specify that there will be "improved bankside access." The Backcountry Management Plan designates the River Road and the access roads to Talley and Solis as unpaved, high clearance roads. Budget and personnel constraints force the NPS to maintain these roads only one or two times a year as compared to the four to six times a year that they were maintained prior to 1990. The Plan does not change the level of maintenance that the River Road and the access roads to Talley and Solis will receive.

Human Waste

016. Comment: One respondent identified an error in the environmental assessment that included commercial groups in the exception for human waste carry out.

Response: The human waste carry out exception in the Plan pertains only to private groups; commercial groups must carry out all solid human waste. Corrections have been made in the environmental assessment.

017. Comment: One respondent suggested that all parties, private or commercial, use a carry out system regardless of the river section traveled.

Response: The exception that allows private groups to not carry out solid human waste in the river segments between Santa Elena Take-out and Talley and between Solis and the entrance to Boquillas Canyon was developed to allow private boaters who do not have toilet systems the opportunity to experience a river trip. These river segments receive very little use. Many users of these areas are also motor users who camp at the backcountry road sites, where solid human waste carry out is not required according to the Backcountry Management Plan.

018. Comment: One respondent asked why kayak-only trips were granted an exception for the solid human waste carry out because they are usually supported by a raft.

Response: This exception grants an exception to kayak-only or single canoe trips. If a kayak trip is supported by a raft, it is not a kayak-only trip; it would be required to carry out solid human waste.

Recreational Use Limits

019. Comment: Six respondents expressed concern about the limited number of commercial company launches in Mariscal and Boquillas Canyons. Two more respondents specifically mentioned Boquillas Canyon.

Response: The number of launches in the draft Plan were based upon the ratio of private to commercial trips, the historic use of the canyons from 1990 to 1996, and the physical characteristics of the canyons. The ratio from 1990 to 1992 was two commercial to three private trips in Mariscal Canyon; the Plan reflects that ratio in the primitive zone for years with high and normal water. Use patterns changed in the mid-1990's because of extreme drought conditions; from 1993 to 1996 that ratio was two commercial trips to every private trip. The Plan allows for increased commercial use of the primitive zone during low water periods.

Use data from 1990 to 1992 indicated a ratio of three private trips to one commercial trip for the wild zone, which includes Boquillas Canyon in the draft Plan. When examining the use data for Boquillas Canyon from 1990 through 1996, the NPS determined that roughly four private trips occurred for every commercial trip. The Plan alters the ratio slightly based upon professional judgment and understanding the importance of Boquillas Canyon to groups traveling long distances on holiday weekends. The limits of four private launches and three commercial launches, with one of the commercial launches occurring in the afternoon, were established.

020. Comment: Three respondents selected the No Action alternative.

Response: Management policies direct the NPS to prevent unacceptable impacts on the resources or adverse effects on visitor enjoyment. When establishing recreational use limits, the NPS looked at the historic variety of experiences provided by each canyon segment, current use, and physical characteristics of the river segments. Because social problems do not currently exist, the NPS established limits at somewhat higher levels than presently occur. The goal is to perpetuate the variety of historic visitor experiences and to establish ceilings of use to prevent problems from occurring in the future. These goals could not be achieved through the No Action alternative.

021. Comment: Three respondents suggested that the NPS concentrate use limits only on periods of peak use: Thanksgiving, spring break, and holiday weekends.

Response: Although the limits are in effect year-round, they are somewhat higher than current use and so should not be routinely reached other than Thanksgiving, spring break and holiday weekends. Only during those periods do we expect use and permits to actually be limited. Year-round limits provide a management tool should use patterns change.

022. Comment: Three respondents suggested that exceptions or different launch limits be established in Boquillas Canyon for holidays and other periods of peak use.

Response: The Plan forms an amendment to the Backcountry Management Plan, which provides for three distinct social experience opportunities and assigns all backcountry areas into threshold, primitive, or wild management zones. The Backcountry Management Plan does not make any kind of use limit adjustments for high use periods. The limits in the Plan ensure that park visitors can experience a spectrum of use experiences even during periods of high use.

023. Comment: Two respondents expressed concern because the draft Plan made no allowances for the shift in commercial use from Santa Elena Canyon to Mariscal Canyon that occurs during periods of low water.

Response: Drought conditions were addressed through amendments to the Plan and environmental assessment. Two-hundred sixty-one press releases and 146 copies of the amendment were mailed. The Park received one comment. The Plan has been amended to make adjustments in launch limits for Mariscal Canyon during periods of low water.

024. Comment: Two respondents disagreed with lowering the party size to 20 in the primitive and wild zone.

Response: Zone management provides for a spectrum of visitor use experiences, including ones with lower use density and fewer influences from other parties. Reduced party size in primitive and wild zones helps to accomplish this management strategy.

An examination of use data reveals that from 1990 through 1996, when 30 people were allowed per trip in Boquillas Canyon, only 14 commercial parties had more than 20 people on a trip. Of these, guides were probably entered on the permits as part of the total number of people in the party. For private groups during the same time period, 12 groups consisted of more than 20 people. Of the 12 groups, all were comprised of 25 or less people.

025. Comment: Two respondents requested that the NPS take private users into consideration; one of the two suggested that privates be allocated 50 percent of all permits.

Response: Limits were based upon historic use ratios. Based strictly upon those ratios, the limits for Santa Elena Canyon would have been six commercial launches to two private launches. Using professional judgment and knowing that private trips tend to be smaller than commercial trips, the NPS increased the number of private launches to five per day for the threshold river segment that includes Santa Elena Canyon. No changes were made from the ratios for the primitive zone during low water years because use data indicate that private use in Mariscal Canyon drops in conjunction with the water level. The ratio of use for Boquillas Canyon changed when the last four years of data was calculated. The Plan reflects a change to four private launches in the wild zone.

026. Comment: One respondent stated that the ever-increasing population does not allow for uninhibited access.

Response: The NPS agrees with this assessment. Because the Texas A&M study revealed that use levels were not currently a problem, the NPS is implementing a higher than current use ceiling to prevent future problems. Too often in the history of the NPS, the Service has waited too long to address problems, and in waiting, has witnessed gradual degradation of resources and loss of some of the most precious aspects of our parks, including resources such as solitude, quiet, and a premier wilderness experience.

027. Comment: One respondent expressed concern that limiting numbers will lower the guide to client ratio and thus increase the possibility of unsafe conditions.

Response: Guides are excluded from party size limits. One of the primary factors for excluding guides from the park size limits is to avoid commercial outfitters decreasing the guide to client ratio, which may contribute to unsafe conditions. All guides must be registered with the NPS by the outfitter and must meet minimum first aid qualifications. Proof of these qualifications must by on file with the NPS to prevent the outfitters from expanding their group size with people not officially employed by the outfitter.

028. Comment: One respondent claimed that the Plan would reduce the number of persons able to enjoy the canyons in the Park without any meaningful increase in solitude.

Response: Recreational use limits were established to put a ceiling on future use and were set slightly above the current levels. If the use limits established in the Plan had been in place between January 1990 and December 1996 in the three canyons, there would have been 7,668 instances when limits could have been exceeded (2556 days x 3 canyons = 7,668). In the seven years, a limit was exceeded only 44 times. Management prescriptions, which include recreational use limits for the different zones, will provide for a spectrum of visitor experiences.

029. Comment: One respondent stated that a fundamental legal shortcoming in the Draft EA is the lack of alternatives for "Recreational Use Limits." Only the "Proposed Action" and the "No Action" alternatives were set out.

Response: NEPA does not require analysis of more than the proposed action and a no action alternative. In some cases, the proposed action may be "no action."

030. Comment: One respondent stated that too much of the data presented combined numbers from commercial and private trips. The respondent asked what group of users was included in the 95 percent of users who treat the river as consisting of different segments for recreational opportunities.

Response: This figure refers to all river users, both private and commercial.

031. Comment: One respondent predicted that establishing use limits will cause disgruntlement with the NPS.

Response: The NPS recognizes that the public may not agree with all aspects of the Plan. Our management policies direct the NPS to prevent unacceptable impacts on resources or adverse effects on visitor enjoyment. The NPS has fully considered all public comment on the draft Plan. In response to those comments, the NPS has made a number of changes to the Plan.

032. Comment: One respondent noticed that the draft Plan permitted multi-day commercial trips through Mariscal and Boquillas Canyons but not multi-day private trips.

Response: This was an error and has been corrected in the Plan to provide for private day, overnight, and multi-day trips through Mariscal and Boquillas Canyons.

033. Comment: One respondent inquired if no other commercial company is launching on a particular day in a threshold segment, can one outfitter launch a 15 person one day and a 15 person overnight?

Response: Yes, the Plan provides for six commercial companies to each launch up to 30 people in a threshold segment. The 30 people maximum can be in any combination of day, overnight, or multi-day trips.

034. Comment: One respondent stated that current levels do not indicate a problem at this time.

Response: The NPS agrees with this assessment. Because the Texas A&M study revealed that use levels were not currently a problem, the NPS is implementing a higher than current use ceiling to prevent future problems. Too often in the history of the NPS, the NPS has waited too long to address problems, and in waiting, has witnessed gradual degradation of the resources and loss of some of the most precious aspects of our parks, including resources such as solitude, quiet, and a premier wilderness experience.

035. Comment: One respondent stated that a group of 30 was too large; group size should be limited to 10 to 15 people.

Response: The zoning management strategy provides for a spectrum of visitor experiences, including a threshold zone. The threshold zone is characterized by

higher use levels and a greater density of users. Users may experience more encounters with other groups and larger groups. Those seeking experiences with less people will choose to use the primitive or wild zones.

036. Comment: One respondent commented that the limits proposed for Santa Elena Canyon were not onerous.

Response: The recreational use limits defined in the Plan were not intended to provide hardships for any user group. They were established to set a ceiling for future use to prevent problems from occurring in the future.

037. Comment: One respondent asked why the draft Plan proposed more private use than commercial use for the primitive zone.

Response: The extreme drought conditions from 1993 through 1996 caused a change from historic use patterns for Mariscal Canyon, which is in the primitive zone. During years of normal to high water, such as the early 1990's, the use ratio was three private trips to two commercial trips. Recreational use launch limits have been based upon those ratios for periods of high and normal water. The Plan includes modified launch limits for the primitive zone during periods of low water.

038. Comment: One respondent commented that Special Use Groups, such as educational institutions or military installations, should not receive more launch windows than commercial outfitters in the primitive zone.

Response: Special use groups do not receive more launches than commercial outfitters. Under high and normal water conditions in the primitive zone, one commercial company may launch any combination of day, overnight, or multi-day trip, and one commercial company may launch a day trip for a total of 14 commercial launches a week. Special use groups are limited to three launches per week (from Sunday through Saturday). The number of commercial outfitter launches in the primitive zone doubles during low water periods; the number of special use group launches remains three per week.

039. Comment: One respondent questioned the number of private launches versus the number of commercial launches in the wild zone.

Response: When preparing the draft Plan, the NPS used use data from 1990 to 1992. Using this information, the ratio between private and commercial launches was three

private launches to one commercial launch. Since that time, use data from 1993 through 1996 has been compiled. When examining use data for the wild zone from 1990 through 1996, the NPS determined that roughly four private trips occurred for every commercial trip. The NPS altered these ratios slightly in the Plan based upon professional judgment and understanding the importance of the wild zone for commercial groups traveling long distances on holiday weekends. The limits of four private launches and three commercial launches, with one of the three commercial launches occurring in the afternoon, were established.

040. Comment: One respondent commented that Santa Elena Canyon can accommodate more than five small trips per day.

Response: The Plan establishes limits for the threshold river segment that includes Santa Elena Canyon to be six commercial launches, five private launches, and one special use group launch per day.

041. Comment: One respondent stated that the proposal restricted access to only twenty people per day to the river and canyons.

Response: The number of people that each individual commercial company and special use group may launch in the primitive and wild zones is 20 and in each threshold river segment is 30, excluding guides. Private groups may each contain up to 20 people in the primitive and wild zones and up to 30 people in threshold river segments. The number of launches per day varies according to the river segment in the threshold zone and varies for the primitive and wild zones.

042. Comment: One respondent suggested setting private limits based upon the number of people rather than the number of permits.

Response: The respondent assumed that because the draft Plan allows for 5 private launches of up to 30 people each, the NPS would allow 150 private users to float through Santa Elena Canyon. Limits were based upon historic use ratios. Based strictly upon those ratios, the limits for Santa Elena Canyon would have been six commercial launches to two private launches. The NPS increased the number of private launches to five based upon the knowledge that private groups tend to be smaller. If private users' recreational use limits had been based upon the historic number of people rather than the historic number of permits, only 30 to 40 private users would have been allowed through the canyon - not 150.

043. Comment: One respondent stated that there was no evidence of trends.

Response: A trend does not have to be a consistent up or down movement. The fact that use fluctuates from year to year is in itself a trend. In some cases, the fluctuations can be attributed to the drop in private permits, possibly because of a drop in the regional economy after declines in the oil business in the Permian Basin. Other fluctuations could be because of low water conditions. To avoid confusion, the term "fluctuations in use" has been substituted in the Plan.

044. Comment: One respondent claimed that none of the values being protected were compromised by 1994 use levels.

Response: The NPS recognizes that respondents to the Texas A&M survey claimed that they did not encounter social problems. Use levels were established above current use levels to prevent problems from occurring in the future.

045. Comment: One respondent suggested that because some people can only come to the park on long weekends and holidays, thus rather than limiting the number of launches during peak weekends, people who want to experience solitude should come at other times of the year.

Response: The Backcountry Management Plan establishes management zones to ensure that park visitors can find a spectrum of use opportunities throughout the year. The argument can also be made that some people who are seeking a wilderness experience can only travel to the park on long weekends and holidays.

Reservation/Permitting System

046. Comment: Sixteen comments were made about the need for a reservation/ permitting system. Respondents did not think it was fair for visitors to travel long distances and not know if they could get on the river.

Response: The Plan includes a reservation system. Private permits will be available by reservation (up to 90 days in advance). Roughly three-quarters of the allocated permits will be available by reservation; the remaining one-quarter will be available on a first-come, walk-in basis.

047. Comment: One respondent stated several times that the arbitrary short river segments coupled with the proposed permit issuance system (permit available 24

hours in advance) would preclude the private boater from doing a multi-day, multi-segment trip.

Response: The Plan did not propose a change in the way private permits were issued for multi-day, multi-segment river trips. One permit is issued for the entire trip. The Plan did not specifically state this, however. The Plan contains the language that "[o]nly one permit is needed for a trip that travels through two or more river segments or zones."

048. Comment: One respondent indicated that the "trigger" for actually imposing numerical limits is ill-defined.

Response: The section of the Plan that addresses restricted private use has been rewritten to clarify this issue. The NPS will monitor for specific time periods during the year rather than a specific date. For example, we will examine use during the Columbus Day weekend rather than October 12 or during the Thanksgiving break rather than November 25. Also, rather than imposing restrictions on use if limits are met or exceeded for one year, the NPS states in the Plan that use must be exceeded for two consecutive years before use restrictions are imposed.

049. Comment: One respondent suggested a 3-year rolling average on the reinstatement of unrestricted numbers.

Response: The Plan states that if use drops below the established use limits for three consecutive years, permits will once again be issued in unrestricted numbers. The Park has increased the trigger from one to two consecutive years in which use limits are exceeded before implementing restricted numbers. This provision will prevent limits from being restricted because of some unusual circumstances (the appearance of a comet, an unusually prolific wildflower year, or a magazine article which results in temporary increased use, etc.)

050. Comment: One respondent questioned the definition of significant expense when administering private permits.

Response: The NPS is directed to recover the cost of administering some programs. The NPS would have to calculate the cost of administering a reservation/permitting system.

051. Comment: One respondent stated that the self-registration system does not educate river users about issues.

Response: The NPS recognizes this but also recognizes the inconvenience of driving to a visitor center from Lajitas, an 84-mile round trip, for a permit. The NPS is installing bulletin boards at launch sites along the river, including the Lajitas access point.

052. Comment: One respondent asked how commercial use would be allocated.

Response: A panel of commercial company representatives will propose an allocation plan to the NPS. The NPS will ensure that the plan takes into consideration the needs of all companies, including local regular users, occasional users, and expedition-style users. If the panel cannot reach agreement about a proposal, the NPS will implement a random lottery to assign launch dates during periods of restricted use.

053. Comment. One respondent stated that the controlled launch system seems to promote and benefit day and overnight use of the river by commercial users such as raft guiding services and makes expedition-style travel planning by users, such as Voyageur Outward Bound, extremely difficult.

Response: A panel of commercial company representatives, including Voyageur Outward Bound, will propose an allocation plan to the NPS. The NPS will ensure that the plan takes into consideration the needs of all companies, including local regular users, occasional users, and expedition-style users. If the panel cannot reach agreement about a proposal, the NPS will implement a random lottery to assign launch dates during periods of restricted use.

Economic Impact

054. Comment: Twelve respondents made general comments about the economic impact of the Plan on river outfitters and the local economy.

Response: When developing the proposed recreational use limits for the three management zones of the river, the NPS considered a number of factors. The historic variety of experiences in each canyon segment, including historic use levels, were considered. Proposed limits were set somewhat higher than use during the early- to mid-1990's to allow for some additional growth, but to put a ceiling on future use.

After the public review process, the open house, and the meeting with invited members of specific interest groups and local and state government officials, the use

limits have been further refined. In response to comments, the NPS also included provisions for low water periods.

If the Plan's limits had been in place between January 1990 and December 1996 (2,556 days) in the three canyons, a limit could have been exceeded 7,668 times (2556 days x 3 canyons = 7,668). During that period, limits would have been exceeded 44 times or .0057 percent of the time.

In the Plan, the NPS also changed the criteria for implementing restrictions. The draft Plan proposed that launches would be restricted if the established limits were met or exceeded. Under the conditions of the Plan, restrictions would not be implemented until limits were exceeded for two consecutive years during a specific time period in a certain river segment.

Commercial Operations

055. Comment: Eleven respondents discussed the importance of protection and appreciation of resources through education of users by commercial outfitters.

Response: The foundation of the NPS's interpretive program is "Through interpretation, understanding; through understanding, appreciation; through appreciation; protection." The NPS agrees that education of users is a vital role of commercial outfitters and requires that all commercial river trips be interpretive in nature. The educational component of river trips is a primary reason that this commercial activity is allowed to occur in a national park.

In fact, the NPS is so concerned that visitors receive quality interpretive messages that requirements for the outfitters' interpretive program are included in the special conditions to their incidental business permits (IBPs). Outfitters must provide active training sessions for both new and experienced staff. Guides must convey to visitors interpretive messages about park-related themes and topics such as natural and cultural history, resource protection, appreciation of park values, critical management issues, etc.

056. Comments: Ten respondents commented upon the benefits of commercial outfitters in terms of interpretation and knowledge of the resources, first aid, safety, river expertise, and equipment.

Response: The NPS agrees that commercial outfitters provide a valuable service to park visitors; that is why the NPS authorizes certain commercial activities to occur in the park. That is also why defined standards for operation, including minimum first

aid certification, minimum insurance requirements, and minimum training and experience levels, etc., are in place.

057. Comment: Three respondents referred to the detrimental effect that low water periods have on commercial operations.

Response: The NPS issued an amendment to the draft Plan and the environmental assessment that specifically addressed low water periods and increased the number of commercial launches in Mariscal Canyon during periods of low water. The NPS issued more than 260 press releases and sent out more than 150 copies of the amendment and received one comment.

058. Comment: Two respondents claimed that the NPS has a responsibility for the financial viability of outfitters.

Response: River outfitters in the Park operate under an Incidental Business Permit (IBP). This program provides the outfitters none of the rights nor privileges offered under P.L. 89-249, the Concessions Policy Act. The Concession Policy Act provides concessioners a "reasonable opportunity to make a profit." IBP holders have no such guarantee or right.

The NPS has not gone out to the public through the issuance of a prospectus and requested that this commercial service be provided as they would through the concession contracting process. Instead, outfitters have approached the NPS and asked for permission to perform a commercial activity in the Park. This subtlety makes a difference in the relationship between the NPS and a concessioner and the NPS and an IBP holder. The NPS has no responsibility for the financial viability of an IBP company. The NPS, however, recognizes that river outfitters provide a service to visitors.

059. Comment: Two respondents suggested that a differentiation be made between companies that are occasional users and local, year-round operators. One assumed that including local, year-round operators in the Plan was an oversight and implied that the local operators should be excluded from the provisions of the Plan.

Response: Inclusion of the local operators in the Plan was not an oversight. Under the IBP program, the river outfitters are not entitled to any rights or privileges associated with concession authorizations under P.L. 89-249. Differentiating between or providing for a privilege to a specific type of river outfitter is not allowed.

060. Comment: One respondent suggested that a ceiling be placed upon the number of commercial outfitters allowed to operate in the Park.

Response: The river outfitters are authorized to operate in the Park through an IBP. A primary component of the IBP program is that the number of permittees cannot be limited. Limiting the number of river outfitters may only occur under a concession authorization; any determination about IBP's versus concession contracts is beyond the scope of this document.

061. Comment: One respondent claimed that by not counting the number of guides on a commercial trip against the group limit, the group size limits are no limit at all.

Response: Guides serve valuable functions on the river by providing interpretation, channeling group activities, ensuring group compliance with Park regulations and river etiquette, ensuring solid human waste is carried out, etc. Several conditions prevent commercial outfitters from artificially elevating their trip numbers by claiming that clients are guides. All guides must meet the NPS's minimum first aid requirements and outfitters must submit copies of first aid certifications to the NPS. All guides must meet the NPS's minimum training requirements. Outfitters must submit the name and first aid certification with expiration date and a copy of the certificate to the NPS before the beginning of the season. The outfitter must also certify that all guides meet the minimum training requirements. Periodic checks on the river by Rangers ensure that all guides are listed with the NPS. Outfitters must provide workers' compensation insurance for all guides. Outfitters have no reason to add more guides to a trip than are necessary and gain nothing by doing so.

062. Comment: One respondent suggested that local commercial outfitters be "grandfathered" from the Plan.

Response: Again, under the IBP program, permit holders have none of the rights nor privileges associated with concession authorizations. Even under a concession authorization, outfitters must comply with all park management policies.

063. Comment: One respondent commented that outfitters and guides are more respectful of the resource and do a better job of taking care of it than do private boaters.

Response: Such a generalization is not necessarily accurate. The NPS has observed problems with both user groups.

064. Comment: One respondent questioned what requirements will be made of private and special use groups to ensure response to medical emergencies if commercial limits are implemented.

Response: No requirements will be made for private groups. Special use groups must meet the same first aid and insurance requirements as commercial operators. The NPS recognizes that many times commercial guides are the first on the scene to provide assistance for incidents that occur on the river. All park users, whether they be commercial, private, or special use, must recognize that there are inherent risks associated with any backcountry activity. The NPS cannot assume responsibility for each individual citizen's personal safety. Safety is an individual responsibility of every backcountry user.

065. Comment: One respondent suggested that the NPS purchase the equity of the outfitters.

Response: Outfitters have no possessory interest within park boundaries; therefore, the NPS has no authority nor obligation to purchase equity in commercial outfitter businesses. The NPS does not purchase personal property, such as rafts, oars, other equipment, etc., nor does it have the authority to purchase any land or property that outfitters may own outside the authorized park boundary.

Under the IBP program, outfitters have none of the rights or privileges of a concession operation under P.L. 89-249, the Concessions Policy Act. The NPS has no responsibility for the financial viability of a IBP company.

066. Comment: One respondent questioned the freeze on new commercial permittees and asked if the current operators will be granted monopolies; if they can sell their businesses; and if competition will be opened up.

Response: As soon as the Plan is approved, the moratorium on new IBP authorizations will be lifted. Under the IBP program, the number of companies cannot be limited. Any decision to keep commercial outfitters under the IBP or to issue concession contracts or permits is beyond the scope of this document.

Planning Process

067. Comment: Three respondents suggested that a task force of private, commercial, and NPS personnel be created to evaluate use limitations.

Response: The NPS held an open house and invited all individuals who responded to the draft Plan or received the press release to attend. The open house provided park staff with the opportunity to clarify points that caused confusion in the Plan and to personally respond to questions surfacing from discussions. After the open house, the NPS revised several of the alternatives to the Plan and invited representatives of different interest groups to attend a meeting. Individuals representing private users, motor users, commercial users, the Pecos River Compact Commission, State Senator Madla's office, the Texas River Protection Association, and the Brewster County judge attended. The group reached consensus on all issues, and the proposed changes have been incorporated into the Plan and environmental assessment.

068. Comment: Two respondents commented upon the need to include a list of preparers, and one suggested that an informed attorney be added to the team.

Response: The omission of the list of preparers was an oversight; that information has been added to the document. The Department of the Interior Field Solicitor has provided input on a number of issues, including jurisdiction and the authority of the NPS regarding the international boundary between Mexico and the United States.

069. Comment: Two respondents commented that interested parties should have been involved from the beginning. One respondent further commented that the Plan was drafted in a vacuum; affected parties and concerned citizens should have their say up-front, not at the output end when the document has a life of its own and is a *fait accompli*.

Response: The NPS solicited the input of interested parties through the scoping process. Almost 120 press releases that informed the public of the scoping process were mailed to interested parties and local, regional, and state media. The NPS received comments from 29 individuals from throughout the state. The draft Plan addressed the issues that were identified through the scoping process. The NPS demonstrated that the draft document was not a *fait accompli* by the consideration that was given to the public comments on the draft Plan and the revisions that were made to the Plan.

070. Comment: Two respondents expressed the need for the NPS to notify the public of planning activities in a timely manner.

Response: The NPS attempted to notify the public of the planning process. The NPS continually expanded the mailing list. Almost 120 press releases which invited the public to participate in the scoping process were mailed. Approximately 150 press releases, which announced that the draft Plan was available for comment, were mailed and more than 100 copies of the Plan were distributed. The NPS mailed 261 press releases to notify the public that amendments to the draft Plan and the environmental assessment regarding low water periods were available for comment.

071. Comment: One respondent expressed a desire to include local community members in future planning efforts.

Response: The NPS will continue to seek public involvement in future planning efforts.

072. Comment: One respondent expressed a desire for improved communications between the Park and the local community.

Response: The NPS has taken a number of steps to improve communication between the park and the local community in the last year. A ranger conducted weekly interpretive programs in Study Butte during last year's spring break and is scheduled to present programs again this year. The NPS held a public meeting at Lajitas to let the local community know about the park's new Strategic Plan. The park sponsored an open house to provide the opportunity for members of the local community to discuss the draft Plan with park staff. A part-time seasonal ranger will be stationed at Lajitas this spring. The NPS will continue to enhance communication with the local community.

073. Comment: One respondent commented that notice to the public of the initial scoping for this proposal and the draft was inadequate.

Response: The NPS solicited the input of the interested parties through the scoping process. Almost 120 press releases that informed the public of the scoping process were mailed to interested parties and local, regional, and state media. The NPS received comments from 29 individuals throughout the state. Approximately 150 press releases, which announced that the draft Plan was available for comment, were mailed and more than 100 copies of the Plan were distributed. The NPS mailed 261 press releases to notify the public that amendments to the draft Plan and the environmental assessment regarding low water periods were available for comment.

074. Comment: One respondent suggested that the NPS start the entire process over again with on-going consultation with the affected public.

Response: The Park has complied with the requirements established by NEPA and will not repeat the planning process. The Plan is scheduled for review in 5 years.

075. Comment: One respondent claimed to be dumbfounded that the NPS was unaware of the paddling clubs and organizations throughout the state of Texas.

Response: The NPS sent the initial invitation to participate in the scoping process to a number of paddling clubs. As the NPS has learned of additional organizations interested in river management, the organizations were added to the mailing list.

076. Comment: One respondent requested an extension of time.

Response: The review period for this type of document is typically 30 days. A 60-day public comment period was initially provided for the Plan. In response to requests for additional time, the review period was extended for another 30 days. The public had the opportunity to review the draft and provide comments for 90 days.

077. Comment: One respondent expressed appreciation of the NPS's efforts over the years to get input from commercial companies and expressed a hope that the NPS will continue to do so in the future.

Response: The NPS plans to continue to seek input from all users and affected parties about issues facing the Park.

078. Comment: One respondent commented that the process preceding the Plan's creation was flawed and that environmental issues play no part in the Plan.

Response: Environmental studies played a significant role. Several studies resulted in the conclusion that it would be impossible to base visitor use management upon environmental considerations alone, due to overwhelming impacts from livestock and upstream influences on river water quality and quantity.

Texas A&M Study

079. Comment: Two respondents stated that the Texas A&M study does not present enough hard science to create the use limits outlined in the draft Plan.

Response: As stated in the Plan, the results of the Texas A&M study were not the only factor used to develop management zones or use limits. The NPS looked at the variety of experiences historically provided by each canyon segment, current use, and physical characteristics of the river segments. Because the Texas A&M study revealed that problems do not currently exist, use limits were established at somewhat higher levels than presently occur. Historic use ratios between commercial and private groups were used to determine actual use limit ratios. Those ratios were then adjusted based upon professional judgment.

080. Comment: One respondent questioned the credentials of the personnel who prepared the Texas A&M study and the statistical accuracy of their results.

Response: The Texas A&M scientists are recognized authorities in good standing with the recreational social sciences academic community. Their statistical analysis was performed at academically recognized standards.

081. Comment: One respondent questioned the validity of the Texas A&M study.

Response: While a variety of additional analyses are possible, the Texas A&M study stands as a peer-reviewed quality analysis of the questions it asked.

082. Comment: One respondent stated that the draft Plan misuses the Texas A&M study by taking small differences in some of the survey results (while ignoring others) to create large differences in allowed uses through the zoning and permitting scheme.

Response: The Texas A&M study was only one of several factors used to determine recreational use limits. The NPS looked at the historic variety of experiences provided by each canyon segment, current use, and physical characteristics of the river segments. Because the Texas A&M study revealed the problems do not currently exist, use limits were established at somewhat higher levels than presently occur. Historic use ratios between commercial and private groups were used to determine actual use limit ratios. Those ratios were then adjusted based upon professional judgment.

Miscellaneous Comments

083. Comment: Two respondents stated that national parks are set aside for the enjoyment of the American people.

Response: The primary mission of the NPS is *to conserve the scenery and the natural and historic objects and the wildlife within these units* and to provide for the enjoyment of the same *in such manner and by such means as will leave them unimpaired for the enjoyment of future generations*. Often friends and critics of the NPS point to two conflicting goals. The Act of 1916 did not provide for two opposing goals; it is not the only legislation by which the goals of the NPS were defined; and it did not refer specifically to public outdoor recreation as a goal of the National Park System. The act refers to enjoyment by future generations, which arguably introduces an expectation of changing definitions of enjoyment by reference to the future. At no point is enjoyment equated solely with recreation, and it is clearly circumscribed by "*unimpaired*."

084. Comment: Three respondents requested that the NPS not limit access to the Lower Canyons.

Response: The scope of the Recreational River Use Management Plan addresses only those portions of the Rio Grande within Big Bend National Park's boundaries. The portion of the Rio Grande Wild and Scenic River that lies downstream of the Park, commonly referred to as the Lower Canyons, will be addressed in a future General Management Plan specific to that section.

085 Comment: Two respondents stated that the main concern should be with air and water quality rather than overcrowding on the Rio Grande.

Response: The NPS is forced to address many different issues simultaneously. The issues of air and water quality are beyond the scope of this document. Because they are not addressed in the Plan, however, does not mean that the NPS is not working towards improving air and water quality. The NPS is involved in a number of cooperative inter-agency efforts to address these issues.

086. Comment: One respondent stated that park staff has not been effective in educating river runners about all river issues.

Response: The NPS recognizes that we can always improve upon our efforts to educate the visiting public. The Plan outlines some of the steps that will be taken to inform the public of river use issues. The NPS also hopes to develop a video that addresses river etiquette and proper "Leave No Trace" methods of river use in the next few years.

087. Comment: One respondent stated that the NPS needs better monitoring at the launch sites.

Response: The Park plans to have a ranger stationed at the Lajitas launch site during the busy spring season to do spot checks on permits, equipment, guides, orientation talks, etc. Budget constraints preclude more monitoring.

088. Comment: One respondent stated that the Rio Grande Wild and Scenic River General Management Plan permits historical uses and states that "...motor boats will be allowed on the river."

Response: Motor use is still allowed on most of the Rio Grande Wild and Scenic River.

089. Comment: One respondent stated that the real problems were excluded from the Plan.

Response: This document only addresses recreational river use. Other issues, such as trespass livestock, air quality and visibility, and water quality and quantity, are beyond the scope of this document. The NPS has developed aggressive programs to address these other issues.

090. Comment: One respondent asked if there have been any unacceptable environmental impacts from recreational river uses.

Response: Research indicates that while there is potential for high local impacts due to current river use levels, such effects are largely masked by impacts from trespass livestock and degraded water quality and quantity. Recreational river use occasionally results in unacceptable impacts, such as damage to cultural and historical sites, creation of social trails, damage to vegetation, littering, and improper disposal of human waste.

091. Comment: One respondent questions the statement in the Plan that "...cumulative effects of human activity over the years have degraded the Rio Grande aquatic environment."

Response: The Rio Grande is no longer a free flowing river. Upstream impoundments and diversion have altered natural river flow quantities and patterns. Fertilizers and pesticides from upstream agricultural activities and sewage from upstream towns and villages in both the United States and Mexico cause rapid algal growth. Heavy silt loads, exacerbated by livestock grazing of sparse desert vegetation, impair productivity of fish and invertebrate eggs laid upon the river substrate. The combined effects of dams, pollution, introduced exotic species, and flow pattern interruption have caused at least seven fish species to be lost from the Big Bend area.

092. Comment: One respondent asked if the objectives were listed in the order of importance.

Response: The objectives were not necessarily listed in the order of importance.

093. Comment: One respondent questioned, "Is the pesticides and flooding of the Rio Grande a result of river usage?" in reference to the statement that "...past and current human activities continue to affect the survival of Big Bend's endangered species."

Response: Pesticides and flooding are not products of recreational river use. Certain uses of the river corridor, such as motorboats during sensitive periods, can have detrimental effects upon peregrine falcon productivity.

094. Comment: One respondent stated that there was no information under Administrative Constraints about the NPS providing education to river runners about resource protection.

Response: Dissemination of information about the Plan and about river use is included under the Interpretation and Visitor Information section. The Plan identifies three primary groups with specific information needs: NPS personnel, related agencies and park neighbors, and visitors and the general public, including river users and permittees.

095. Comment: One respondent stated that the NPS currently controls use during peregrine nesting season and he was not aware nor has he been informed that use in the canyon is increasing the impact on the local plant life. The respondent questioned if the NPS has any studies that can confirm our position.

Response: The NPS currently restricts the use of motorized watercraft in the canyons during the critical peregrine nesting season. No restrictions are placed upon non-motorized watercraft. Without ceilings placed upon use, increased use levels could increase the potential of disturbance to peregrine falcons. Rangers have observed some trampling of smaller plants and use of woody plants for firewood. This Plan addresses the entire river within park boundaries, not just the canyon sections. The threatened plant resources occur primarily in the between-canyon river segments.

096. Comment: One respondent stated that the single greatest threat to the entire river corridor (besides water pollution) is from trespass livestock and the only way to re-establish the native vegetation is to get rid of the cattle, goats, burros, and horses.

Response: The issue of trespass livestock is beyond the scope of this document, which addresses only recreational river use. The Park recognizes that the long term solution to this problem centers around education, economic incentive and opportunity, and community involvement as well as on-going enforcement actions. To maximize the efforts to control trespass livestock, the park recently developed a three-prong approach, which includes enforcement, education, and research.

The U.S. Department of Agriculture, in cooperation with the NPS, conducts periodic trespass livestock round-ups. The Park has initiated educational outreach programs in the Mexican border towns about park values and continues to pursue longer term, diplomatic and economic development options. To better monitor and document trespass livestock impacts, three vegetative research exclosures have been built in the Castolon area. These exclosures will allow the park to assess trespass livestock impacts on the riparian zone.

097. Comment: One respondent suggested that the park designate campsites along the river.

Response: The NPS does not believe that such steps are necessary at this time.

098. Comment: One respondent complained that the stables are closed so that the 14-mile trip to the South Rim can only be made by the young and physically fit. The rest are excluded from the area. (Unless you have a horse and carefully pick up the horse droppings!)

Response: The issue of the closure of the Chisos Remuda is beyond the scope of this document. The owner of the Chisos Remuda determined that it was no longer financially feasible to continue operation. The NPS has not excluded others from the area. Private stock use is allowed on certain trails in the Chisos Mountains; riders are not expected to pick up the droppings.

099. Comment: One respondent commented that the Lost Mine Trail and Santa Elena Canyon are regularly closed because of the peregrine falcon. The respondent also referenced that peregrines can be found in New York City.

Response: The Lost Mine Trail has not been closed because of peregrine falcons. Santa Elena Canyon is closed only to motor use during the critical nesting period. Birds that have fledged in New York City or other metropolitan areas are habituated to consistent noise levels. Birds that are accustomed to silence and little activity are much more sensitive to inconsistent or abrupt disturbances.

100. Comment: One respondent commented that the NPS has the dead weight of political correctness to battle with and that we could not appear to be on the side of visitors and boaters and horses as opposed to ecology and correctness.

Response: As previously stated, the NPS's primary mission is to conserve the scenery and the natural and historic objects and the wildlife within. The level of use of these areas must ensure that they are left unimpaired for future generations.

101. Comment: One respondent stated that the study failed to establish that there is any adverse effect upon the river or adjacent related areas due to the present level of usage by commercial operators and others.

Response: In general, the respondent is correct. Due to the overwhelming impacts of trespass livestock and upstream sources of water quality and quantity problems, visitor use effects upon the environmental are largely masked. The plan attempts to maintain current high quality river experiences into the future and to preserve a spectrum of experiences.

102. Comment: One respondent applauded the NPS's effort to ensure that Big Bend remain as wild and pristine as possible.

Response: The NPS is committed to preserving our natural places to the best of its ability.

103. Comment: One respondent stated that she was grateful that the NPS protects what has become to her family and herself a sacred and necessary refuge.

Response: The NPS is committed to preserving our natural places as required by legislative and policy mandates.

104. Comment: One respondent applauded, agreed with, and supported the NPS's preservation efforts not only in Big Bend but all over the United States as some of the very most important work our Government can accomplish.

Response: The NPS's preservation efforts are an extremely important function of the Federal government. The NPS will continue to preserve our natural places as required by legislative and policy mandates.

105. Comment: One respondent thanked that NPS for all the fabulous work and encouraged the NPS to keep the ultimate goal of preservation and the possibilities of education in furthering that goal in mind.

Response: The NPS will continue its efforts to preserve the natural areas and educate the public about their values.

106. Comment: One respondent stated that the Plan was written with integrity and considers many different perspectives. The respondent continued that the intent to balance the various issues of river management was clear.

Response: The NPS attempted to balance the various river use management issues in the Plan.

107. Comment: One respondent stated that the Plan appears to be all inclusive in meeting the mission and needs of the NPS.

Response: The NPS attempted to be all inclusive in meeting the mission of the NPS and the needs of the visitors.

108. Comment: One respondent was concerned that the use limits may adversely affect the enjoyment of the resource by future park visitors.

Response: The NPS's primary mission is to ensure that the resources remain unimpaired for the enjoyment of future generations. This Plan will help to accomplish that mission.

109. Comment: One respondent addressed the promotion of tourism development in Mexico.

Response: The NPS recognizes the potential for tourism development along the northern frontier in Mexico. The current lack of infrastructure in northern Mexico makes the logistics of a river trip financially unattractive as a commercial venture. The NPS hopes to pursue compatible and cooperative management with the two protected areas in northern Mexico.

110. Comment: One respondent felt that the document was well-organized and presented a straightforward approach to managing recreational activities along the course of the Rio Grande in Big Bend National Park.

Response: The NPS attempted to develop a well-organized approach to managing recreational river activities on the Rio Grande.

111. Comment: One respondent stated that the Federal Government continually disregards the original purposes of Big Bend National Park and the terms of conveyance which originally established the Park for the use of the public for recreational purposes.

Response: While the enabling legislation for Big Bend National Park does mention recreational purposes, it also provides for the administration, protection, and development of the Park by the NPS subject to the provisions of the NPS's Organic Act. This Act establishes the *conservation of the scenery and the natural and historic objects and the wildlife within these units and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations* as the NPS's mission. Nowhere in the enabling legislation of the Park does it state that recreation should be unregulated or unrestricted.

112. Comment: One respondent stated that if we cannot find a way to manage the use of the river to provide both access and the wilderness experience, a great treasure will be lost.

Response: The NPS has attempted to manage the use of the river to provide both access and the wilderness experience.

113. Comment: One respondent stated that the draft Plan discusses no specific authority for the NPS to prohibit navigation along a river forming an international boundary.

Response: Along the Rio Grande within Big Bend National Park, the park boundary follows the international boundary. The newly revised 36 CFR Subsec. 1.2(a)(3), 61 Fed. Reg. 35,136 (1996), makes clear that the NPS has authority to regulate '[w]aters subject to the jurisdiction of the United States located within the boundaries of the National Park System, including navigable water...' The NPS is not attempting to regulate waters on the Mexican side of the international boundary.

114. Comment: One respondent stated that most of the Plan and the EA are predicated upon the false presumption that the activities purportedly regulated along the river are subject to the control of the NPS.

Response: The newly revised 36 CFR Subsec. 1.2(a)(3), 61 Fed. Reg. 35,136 (1996), makes clear that the NPS has authority to regulate '[w]aters subject to the jurisdiction of the United States located within the boundaries of the National Park System, including navigable water...' The NPS is not attempting to regulate waters on the Mexican side of the international boundary. In theory, one may launch upstream from the park, use only Mexican water, and take out downstream from the park boundary. In reality, however, the river's current and obstacles in the channel force river users to continually cross the international boundary and enter and exit the park.

115. Comment: One respondent stated that the basic restriction on boating attempted by the NPS's scheme is contrary to the fundamental human right to travel, including the right to leave the country of one's residence and to return to it.

Response: The NPS has full authority to regulate '[w]aters subject to the jurisdiction of the United State located within the boundaries of the National Park System,

including navigable water...' The right to leave the country of one's residence and to return to it is a U.S. Customs issue beyond the scope of this document.

116. Comment: One respondent stated that even if the NPS had the authority it presumes to have in conditioning access to and use of the Rio Grande on the U.S. side of the river, boaters from the U.S. side could float throughout the Big Bend without bothering to comply with any NPS regulations.

Response: The newly revised 36 CFR Subsec. 1.2(a)(3), 61 Fed. Reg. 35,136 (1996), makes clear that the NPS has authority to regulate '[w]aters subject to the jurisdiction of the United States located within the boundaries of the National Park System, including navigable water...' The NPS is not attempting to regulate waters on the Mexican side of the international boundary. In theory, one may launch upstream from the park, use only Mexican water, and take out downstream from the park boundary. In reality, however, the river's current and obstacles in the channel force river users to continually cross the international boundary and enter and exit the park. This would become an enforcement issue when NPS personnel observe individuals in American waters.

117. Comment: One respondent commented that in a single unelaborated sentence the draft Plan purports to reserve the option to change the recreational use limits, apparently without any public review or comment.

Response: This sentence has been eliminated from the Plan.

118. Comment: One respondent noted that Appendix G of the draft plan contains unexplained gaps.

Response: Permit data is not available for some periods. Plans for replacing hand-issued permit copies with a computerized permitting and data management system are intended to improve data quality in the future.

119. Comment: One respondent stated that by relying solely on the data from those who obtained permits, the draft Plan underestimates the number of private users.

Response: Data is not available regarding the number of groups who do not obtain permits. Permit checks of groups encountered by river rangers on patrol indicate high compliance with permit requirement regulations.

END

10-12-99